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4                   UNITED STATES DISTRICT COURT  
5                   WESTERN DISTRICT OF WASHINGTON  
6                   AT TACOMA

7                   CHRISTOPHER WILLIAM OLSEN,  
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v.  
Petitioner,

MICHAEL OBENLAND,  
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Respondent.

Case No. C19-6111-BHS-TLF

ORDER APPOINTING THE  
FEDERAL PUBLIC DEFENDER

11                  This is a federal habeas action brought under 28 U.S.C. § 2254. This matter comes  
12 before the Court at the present time on petitioner's motion to appoint counsel. Dkt. 5. The Court,  
13 having reviewed petitioner's motion, and the balance of the record, hereby finds and ORDERS  
14 as follows:

15                  (1)     Petitioner's motion to appoint counsel (Dkt. 5) is GRANTED and the Federal  
16 Public Defender for the Western District of Washington is appointed as counsel of record for  
17 petitioner. While there is no constitutional right to appointment of counsel in actions brought  
18 under § 2254, the Court may exercise its discretion to appoint counsel for a financially eligible  
19 individual where the "interests of justice so require." 18 U.S.C. § 3006A. *See also, Weygardt v.*  
20 *Look*, 718 F.2d 952 (9<sup>th</sup> Cir. 1983). This Court concludes, based upon its review of the record,  
21 that petitioner is financially eligible for appointment of counsel in this federal habeas proceeding,  
22 and that the interests of justice warrant such an appointment given the complexity of the issues

1 raised by petitioner and the fact that petitioner is reportedly currently undergoing treatment for a  
2 brain tumor. Dkts. 4, 5.

3 (2) In order to allow petitioner's counsel sufficient time to prepare, the Court amends  
4 the previously established deadline for respondent's answer. **Respondent shall file his answer**  
5 **to the petition on or before March 16, 2020.**

6 (3) The Clerk is directed to send copies of this Order to petitioner, to the Federal  
7 Public Defender's Office, and to the Honorable Benjamin H. Settle.

8 Dated this 13th day of January, 2020.

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12 Theresa L. Fricke  
13 United States Magistrate Judge  
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